

Notice of Allowability

Application No.

09/812,382

Examiner

Malgorzata A. Walicka

Applicant(s)

CHILKOTI, ASHUTOSH

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/10/04.
2. ☒ The allowed claim(s) is/are 1,3-10,13-19,21-28,31,32,66-72,74-76 and 78-82.
3. ☒ The drawings filed on 27 December 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 01/31/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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The Amendment of August 8, 2004, which is the response to the Final rejection of July 1, 2004, is acknowledged. Amendments to the claims have been entered as requested. Claim 12 has been currently canceled; claims 2, 11, 12, 20, 29-30, 33-61, 73 and 77 were previously canceled. Claims 1, 13-19, 31, 70, 74, 75, 76, 78 and 81 has been amended. Claims 1, 3-10, 13-19, 21-28, 31-32, 62-72, 74-76, 78-85 are pending. Claims 1, 3-10, 13-19, 21-28, 31-32, 66-72, 74-76 and 78-82 are the subject of this Office Action. Claims 62-65 and 83-85 are withdrawn from consideration as directed to non-elected invention.

DETAILED ACTION

1. Rejections

1.1. 35 USC section 112, second paragraph

Rejection of claim 31, 74 and 78 made in the previous Office Action is withdrawn, because the claims have been amended.

1.2. 35 USC section 112, first paragraph

1.2.1. Lack of written description

Rejection of claims 1, 3-10, 21-26, 66-70, 79, 80, and 81 which was maintained through the prosecution is now withdrawn, because the claims have been amended.

2. Examiner' amendment

- (a) Please cancel claims 62-65 and 83-85.

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- (b) In claim 81, the line before the last line, please delete
--, and wherein the one or more phase transition protein(s) proteins of (b) has a
molecular weight of at least 9,000 Daltons--.
- (c) In claim 71, line 11, replace --phase transition protein(s) of (b)-- with --elastin-like
polypeptide component-- .
- (d) Please amend claim 15 as follows:

15. The fusion protein of claim 1 wherein ~~the X varies among component(s) of the said~~
~~oligomeric repeats comprise(s) one or more amino acid residues selected from the group~~
~~consisting of: alanine, arginine, asparagine, aspartic acid, cysteine, glutamic acid,~~
~~glutamine, glycine, histidine, isoleucine, leucine, lysine, methionine, phenylalanine,~~
~~proline, serine, threonine, tryptophan, tyrosine and valine residues.~~

Authorization for this examiner's amendment was given in a telephone interview
with Steven J. Hultquist on September 20, 2004.

3. Allowance

Claims 1, 3-10, 13-19, 21-28, 31-32, 66-72, 74-76 and 78-82 are allowed for the
reasons stated in the Final Office Action of July 7, 2004.

Any comments considered necessary by applicant must be submitted no later
than the payment of the issue fee and, to avoid processing delays, should preferably
accompany the issue fee. Such submissions should be clearly labeled "Comments on
Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malgorzata A. Walicka, Ph.D., whose telephone number is (571) 272-0944 and the right fax number is (571) 273-0944. The examiner can normally be reached Monday-Friday from 10:00 a.m. to 4:30 p.m. EST.

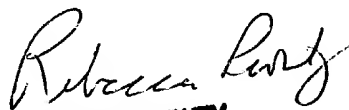
If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, Ph.D. can be reached on (571) 272-0928. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionists whose telephone number is (703) 308-0196.

Malgorzata A. Walicka, Ph.D.

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Patent Examiner


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